

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SFA SYSTEMS, LLC

v.

INFOR GLOBAL SOLUTIONS (CHICAGO),
INC., et al.

NO. 6:07-CV-067-LED

JURY TRIAL DEMANDED

**PLAINTIFF SFA SYSTEMS, LLC’S MOTION FOR EXPEDITED CONSIDERATION OF
ITS EXPEDITED MOTION TO ENFORCE STIPULATION RE: INFOR CUSTOMER
USE**

I. INTRODUCTION AND SUMMARY OF RELIEF SOUGHT

Plaintiff SFA Systems, LLC (“SFA”) has filed its Expedited Motion to Enforce Stipulation re: Infor Customer Use against Defendants Infor Global Solutions (Chicago), Inc. and Infor Global Solutions (Michigan), Inc. (collectively “Infor”) with regard to U.S. Patent No. 6,067,525 (“the ’525 Patent”). Accordingly, SFA respectfully requests expedited consideration of the Motion to Enforce Stipulation re Infor Customer Use.

The good cause for expedited relief is to ensure that both parties are not unfairly prejudiced as they prepare for trial and the September 24, 2009 pre-trial conference. Expedited relief is necessary so that the Motion to Enforce the Stipulation will be ripe before the Pre-Trial Conference. The motion concerns a stipulation between the parties, entered into eleven months ago, to address Infor’s refusal to produce its customer lists. SFA had requested discovery of Infor’s customer lists to prepare its case on direct and indirect infringement. When Infor refused to produce the customer lists, the parties entered into the Stipulation regarding SFA’s burden to prove infringement of the accused products.

Because the Stipulation goes directly to SFA's burden of proof regarding direct and indirect infringement, SFA requests this expedited relief because the enforcement (and inclusion) of the Stipulation during trial goes directly to what proof SFA must offer to prepare and present its case. Ruling on this issue is necessary at this stage of the case because resolution affects the parties' pretrial preparations such as selecting and finalizing deposition cuts, witnesses, and exhibits that may be necessary at trial. Thus, the Stipulation impacts all offers of proof (including Joint Pre-Trial Order, jury instructions, exhibits, depositions and objections) that are due before the September 24, 2009 pre-trial conference.

SFA respectfully requests that the Court order the following schedule: (1) Defendant Infor's response will be due 5 days after the Order issues; (2) Plaintiff SFA's reply will be due within 2 days of Infor's response; and (3) Defendant Infor's sur-reply will be due within 2 days of Plaintiff's reply.

September 9, 2009

Respectfully submitted,

SFA SYSTEMS, LLC

By: /s/ David M. Pridham

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**ATTORNEYS FOR PLAINTIFF SFA
SYSTEMS, LLC**

CERTIFICATE OF CONFERENCE

On August 31, 2009, the parties met and conferred regarding the inclusion of the Stipulation in the jury instructions. Mr. Andrew Spangler, lead and local counsel, as well as David Pridham, Ryan Brown, Debera Hepburn, Tyler Brochstein, and Liz Wiley attended on behalf of the Plaintiff. Mr. Alfred Zaher, lead counsel, Joel Dion, Diane Devasto, local counsel, and Mike Jones attended on behalf of the Defendant. The parties did not agree on the inclusion of the Stipulation. On September 9, 2009, Mr. Spangler met and conferred with Diane Devasto regarding the relief requested in this motion. Defendant opposed the relief requested in this motion.

September 9, 2009

/s/ David M. Pridham
David M. Pridham

CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) and via email.

September 9, 2009

/s/ David M. Pridham
David M. Pridham